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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,848	01/31/2001	Russel C. Hay	M00-273200	3572

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PARK, VAUGHAN & FLEMING LLP  
508 SECOND STREET  
SUITE 201  
DAVIS, CA 95616

EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/05/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/773,848

Applicant(s)

HAY, RUSSEL C.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enoki et al. (hereinafter Enoki) U.S. patent 5,873,085, in view of Shahabuddin et al. (hereinafter Shahabuddin), U.S. patent publication 2002/0143945.

3. In considering claims 1, 8, and 15, Enoki teaches a method for controlling access to files within a plurality of servers comprising:

- a) accepting a file access request, (col. 15, lines 58-62);
- b) determining if the file access request is for a new file, (col. 16, lines 66-67, col. 17, lines 1-3);
- c) if the file access request is for a new file, assigning an identifier to the new file, wherein the identifier can be used to identify the server, and creating the new file, (col. 17, lines 5-26).

Although the disclosed method of Enoki shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) the servers being on a single computing device.

Nevertheless, in a similar field of endeavor, Shahabuddin discloses a method for allocating resources for a client on a shared server comprising:

- a) virtual server technology that involves the creation of multiple servers on a single system, (page 1, paragraph 18).

Given the teachings of Shahabuddin it would have been apparent to one of ordinary skill in the art at the time of the present invention to modify the teachings of Enoki to have the plurality of servers operate within separate virtual environments on a single system. This would provide an efficient means for allowing individual users to share a single system, while providing each user with total access to files within a virtual environment that is insulated from other virtual environments, Shahabuddin, page 1, paragraph 18.

- 4. In considering claims 2, 9, and 16, the method of Enoki further comprises:

- a) retrieving the identifier assigned to the existing file, determining the corresponding server, and accessing the existing file, (col. 14, lines 10-32).

- 5. In considering claims 3, 10, and 17, the method of Enoki further comprises deleting an existing file if the file access request is a request to delete an existing file. See col. 15, lines 46-49.

6. In considering claims 4, 11, and 18, the method of Enoki further teaches modifying an existing file if the file access request is a request to modify the existing file. See col. 15, lines 19-26.

7. In considering claims 5, 12, and 19, the method of Enoki further provides a means for determining if space is remaining in the storage area associated with the server and allocating additional file space. See col. 15, lines 27-33.

8. In considering claims 6, 13, and 20, although the disclosed method of Enoki shows substantial features of the claimed invention, it fails to expressly disclose:

- a) an administrator establishing storage.

Nevertheless, the method of Shahabuddin teaches:

- a) a service provider establishing resources (i.e. storage) within a computing device available to a virtual server within a plurality of virtual servers, (page 3, paragraph 48).

Given the teachings of Shahabuddin it would have been apparent to one of ordinary skill in the art at the time of the present invention to modify the teachings of Enoki to have an administrator establish an amount of storage within the storage area associated with the computing device that is available to a server within the plurality of servers. Doing so would have allowed an administrator to provide a Quality of Service guarantee to individual users, Shahabuddin, page 3, paragraph 48.

9. In considering claims 7, 14, and 21, the method of Enoki further teaches determining if the file access request is a request to update the identifier S701, and updating the identifier if the request is a request to update the identifier S702, S703. See col. 15, lines 62-67, and Fig. 7.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Enoki et al., U.S. Patent No. 5,873,085 discloses a method for virtual file management.

Shahabuddin et al., U.S. Patent Pub. No. 2002/0143945 discloses a method and system for allocating resources in a virtual server.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/773,848  
Art Unit: 2151

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP  
3/31/04



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**